



Virginia Regulatory Town Hall

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Report on Comments and Objections Received to Fast-track Filing

1. The Code of Virginia requires that, where public objections to the use of the fast-track process reach ten or more, or where any member of the General Assembly files an objection to use of the fast-track process, the agency must notify the Registrar of Regulations about the objections, thus suspending the effective date of the fast-track regulation. The agency must also initiate a new proposed stage submission which allows an additional public comment period, converting its regulatory action into a standard regulatory process.
2. In most situations, however, fast-track regulations will not generate substantial public objections. In such situations, the Governor's Executive Order 36 (2006) requires regulatory agencies to "report to DPB and the Governor's Policy Office all comments and or objections received with respect to a fast-track rulemaking." This requirement applies to all fast-track actions on which any comment or objection is received by any means of communication, except for those being converted to standard processing. The intent of this requirement is to inform top decision-makers regarding issues that might generate complaints.

When comments or objections fewer than ten are received on a fast-track regulation, the agency may proceed to file the fast-track with the Registrar, provided that it summarizes on Form TH-12 all comments and objections received on the fast-track and uploads this form on the Town Hall's Edit Stage page.

Town Hall will send this information via e-mail to:

- (1) The Registrar of Regulations
- (2) Governor's Policy Office, c/o megan.root@governor.virginia.gov
- (3) DPB, c/o jeannine.rose@dpb.virginia.gov

Within five business days of the close of the public comment period, please enter the following information about the fast-track action and upload the form:

Identifying Information and Number of Objections and Comments Received	
VAC citation	18VAC15-20-451
Town Hall (TH) action/stage number	4497
Date fast-track regulation scheduled to become effective	08/01/2008

Summary of Objections to Proceeding with the Fast-track Process

Provide identifying information for each formal objection received and summarize any narrative content associated with each objection. Explain how the agency has responded to those objections. Delete unneeded rows or add more rows, as needed.

Objector Information (name, affiliation, title)	Summary of Objection	Summary of Agency Response to Objector, if Any
N/A	N/A	N/A

Summary of Comments Other than Objections

Provide identifying information for each comment that was not a formal objection to continuing the fast-track process. Summarize each comment. Explain how the agency has responded to those comments. Delete unneeded rows or add more rows, as needed.

Commentator Information (name, affiliation, title)	Summary of Comment	Summary of Agency Response to Objector, if Any
Larry Brand- Air, Land, & Water Engineering (ALWE)	He believes that contractors hire testing firms to monitor the contractor's asbestos work, and the contractors declare that there is no conflict of interest. Mr. Brand believes that there is often a conflict of interest.	The issue is an enforcement issue, and the conflict of interest is already established by 18 VAC 15-20-453. <i>The comment does not address the current fast track regulation.</i>
Henry Boyter	He is concerned about a contractor's liability in a situation where a homeowner refuses to hire a project monitor.	After the contractor secures a receipt of the owner's acknowledgment of the project monitor requirement, the contractor's obligation for the project monitor is satisfied. <i>The comment does not address the current fast track regulation.</i>
Richard Webb- ECA	He is concerned that present day workers lack the knowledge & experience to be competent supervisors working for contractors. He wants contractors to have the option to hire third party monitors because it is difficult for a contractor to employ	The comment addresses the current regulatory requirements for the project monitor in 18 VAC 15-20-453 (Conflict of Interest). <i>The comment does not address the current fast track regulation.</i>

Commentator Information (name, affiliation, title)	Summary of Comment	Summary of Agency Response to Objector, if Any
	competent project monitors within the contracting company.	
Joseph W. Crockett (former ALHI Board Member)	He asserts that the notification requirements in the regulations are confusing, costly to owners, & discourage honest contracting. He also asserts that the monitor requirement regulation places the onus of enforcement on the contractor, and even the Board itself cannot enforce the project monitor requirement in the regulations.	The comment addresses regulations currently in place under 18 VAC 15-20-455.1. The <i>comment does not address the current fast track regulation.</i>

Submitted by

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Department or Agency: Board for Asbestos, Lead and Home Inspectors

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